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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1703 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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LATHIA INDUSTRIAL SUPPLIES CO.PVT.LTD.

Versus

RAMJIBHAI MOHANBHAI CHAVDA

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Appearance:

NANAVATI ASSOCIATES for Petitioner No. 1

MRS SANGEETA N PAHWA for Respondents No. 1-2

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CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 14/12/2001

ORAL JUDGEMENT

The learned counsel for the petitioner submitted that the parties have amicably settled the dispute outside the Court and a request is being made to modify the impugned award in terms of the settlement. A copy of the settlement with original signatures of the parties is produced, according to which, the two workmen concerned and respondents herein have agreed that they had been working under a contractor and are no longer interested in the service under the petitioner. It is also agreed that the petitioner has to pay to each of the workman a sum of Rs.40,000/= (Rupees Forty thousand only) in full

and final settlement of all their claims and the workmen concerned relinquish their right to employment under the petitioner. The copy of the settlement is placed and taken on record.

2. The learned counsel for the respondents Ms.Pahwa submitted that although she has not received any specific instruction regarding settlement having been entered and executed, relying upon the statement of the learned counsel for the petitioner, the petition may be disposed with liberty to the respondents to apply in case of any difficulty.

3. Accordingly, the petition stands disposed with the direction that the impugned award stands modified in terms of the settlement and the payment according to the settlement shall be made to the respondents within a period of two days.

Rule is made absolute accordingly with no order as to costs. Interim relief stands vacated.

(D.H.Waghela, J)
'Bhavesh'